



General Assembly

January Session, 2007

***Raised Bill No. 1313***

LCO No. 4741

\*04741\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING POLITICAL "ROBO" CALLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) As used in sections 1 to 8,  
2 inclusive, of this act:

3 (1) "Automatic dialing-announcing device" means a device that  
4 selects and dials telephone numbers and that, working alone or in  
5 conjunction with other equipment, disseminates a prerecorded or  
6 synthesized voice message to the telephone number called.

7 (2) "Caller" means a person, corporation, firm, partnership,  
8 association, or legal or commercial entity that attempts to contact, or  
9 who contacts, a subscriber in this state by using a telephone or a  
10 telephone line.

11 (3) "Commercial telephone solicitation" means any unsolicited call  
12 to a residential subscriber when the person initiating the call does not  
13 have a prior business or personal relationship with the subscriber, and  
14 when the purpose of the call is to solicit the purchase or the

15 consideration of the purchase of goods or services by the subscriber.

16 (4) "Subscriber" means a person who subscribed to telephone service  
17 from a telephone company or any other persons living or residing with  
18 the subscribing person.

19 (5) "Message" means any telephone call, regardless of its content.

20 Sec. 2. (NEW) (*Effective October 1, 2007*) No caller shall use or  
21 connect to a telephone line an automatic dialing-announcing device  
22 unless: (1) The subscriber knowingly or voluntarily requested,  
23 consented to, permitted or authorized receipt of the message; or (2) the  
24 message is immediately preceded by a live operator who obtains the  
25 subscriber's consent before the message is delivered. The provisions of  
26 this section shall not be construed to apply to: (A) Messages from  
27 school districts to students, parents, or employees, (B) messages to  
28 subscribers with whom the caller has a current business or personal  
29 relationship, or (C) messages advising employees of work schedules.

30 Sec. 3. (NEW) (*Effective October 1, 2007*) No caller shall use an  
31 automatic dialing-announcing device unless the device is designed  
32 and operated to disconnect not later than ten seconds after termination  
33 of the telephone call by the subscriber.

34 Sec. 4. (NEW) (*Effective October 1, 2007*) Any time a message from an  
35 automatic dialing-announcing device is immediately preceded by a  
36 live operator, the operator shall, at the outset of the message, disclose:  
37 (1) The name of the business, firm, organization, association,  
38 partnership, or entity for which the message is being made; (2) the  
39 purpose of the message; (3) the identity or kinds of goods or services  
40 the message is promoting; and (4) if applicable, the fact that the  
41 message intends to solicit payment or commitment of funds.

42 Sec. 5. (NEW) (*Effective October 1, 2007*) No caller shall use an  
43 automatic dialing-announcing device or make any commercial  
44 telephone solicitation earlier than nine o'clock a.m. or later than nine

45 o'clock p.m. The provisions of this section shall not be construed to  
46 apply to (1) messages from school districts to students, parents or  
47 employees, (2) messages to subscribers with whom the caller has a  
48 current business or personal relationship, or (3) messages advising  
49 employees of work schedules.

50 Sec. 6. (NEW) (*Effective October 1, 2007*) Any person who is found to  
51 have violated sections 2 to 5, inclusive, of this act shall be subject to the  
52 penalties and remedies, including a private right of action to recover  
53 damages, provided in section 8 of this act.

54 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) The Attorney General  
55 may investigate any alleged violation of sections 2 to 5, inclusive, of  
56 this act. In undertaking any such investigation, the Attorney General  
57 may obtain discovery from any person regarding any matter, fact or  
58 circumstance, not privileged, that is relevant to the subject matter  
59 involved in the pending investigation.

60 (b) In connection with any investigation conducted pursuant to  
61 subsection (a) of this section, the Attorney General may seek injunctive  
62 relief in the superior court in addition to payment of civil penalties, in  
63 an amount to be determined by the court, but not to exceed twenty-  
64 five thousand dollars. All sums recovered by the Attorney General  
65 pursuant to this section shall be deposited in the General Fund.

66 Sec. 8. (NEW) (*Effective October 1, 2007*) Any person injured by a  
67 violation of any provision of sections 2 to 5, inclusive, of this act, may  
68 bring a civil action in the superior court and recover damages,  
69 including, but not limited to, costs of investigation, reasonable  
70 attorney's fees and other equitable relief as determined by the court. In  
71 any such action, the court may, as appropriate, enter a consent  
72 judgment or decree without the finding of illegality.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section

***Statement of Purpose:***

To place certain restrictions on the use of automated political telephone calls.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*